

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Duncan J. McNeil, III,

Civil No. 05-1315 (DWF/JGL)

Plaintiff,

v.

ORDER

The United States and its Officers and Agencies;
Clerk, U.S. District Court D-MN; Clerk, U.S.
Bankruptcy Court D-MN; U.S. Attorney D-MN;
Office of the U.S. Trustee D-MN; U.S. Marshal
Service D-MN; FBI D-MN; IRS D-MN; and
Secret Service D-MN, and their officers,

Defendants.

Duncan J. McNeil, III, *Pro Se*, Plaintiff.

This matter is before the Court upon Plaintiff's objections to Chief Magistrate Judge Jonathan G. Lebedoff's Report and Recommendation dated September 9, 2005, recommending that:

(1) Plaintiff's pending motions in this action—*i.e.* (a) ex parte motion for waiver of filing fees, marshal service, and appointment of counsel, (b) motion for order [etc.], (c) motion to alter or amend findings, (d) ex parte motion for finding of imminent danger, and (e) ex parte motion to amend the amended complaint—be denied; and (2) this action be summarily dismissed without prejudice.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c). The factual

background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Duncan J. McNeil, III,'s objections (Doc. No. 11) to Chief Magistrate Judge Jonathan's G. Lebedoff's Report and Recommendation dated September 9, 2005, are **DENIED**.

2. Chief Magistrate Judge Jonathan G. Lebedoff's Report and Recommendation dated September 9, 2005 (Doc. No. 10), is **ADOPTED**.

3. Plaintiff's pending motions in this action—*i.e.* (a) ex parte motion for waiver of filing fees, marshal service, and appointment of counsel (Doc. No. 2), (b) motion for order [etc.] (Doc. No. 5), (c) motion to alter or amend findings (Doc. No. 6), (d) ex parte motion for finding of imminent danger (Doc. No. 8), and (e) ex parte motion to amend the amended complaint (Doc. No. 9)—are **DENIED**.

4. This action is **SUMMARILY DISMISSED WITHOUT PREJUDICE**.

Dated: October 3, 2005

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court